IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 13556 of 2001

Between:

1 Ghulam Rasool, S/o.Mohd.Haneef,
R/o.H.No.22-1-865/2 (Portion), Sultanpura Noor Khan bazaar, Hyderabad.
2 Mohd.Abdul Majid, S/o.Ghulam Rasool,
R/o.H.No.22-1-865/2 (Portion), Sultanpura Noor Khan Bazar, Hyderabad.
..... PETITIONERS

AND

1 A.P. State Financial Corporation, R.R.(West) Branch,
rep. by its Branch Manager,
5-8-342(Ground-floor), Chirag Ali Lane, Abids, Hyderabad.

2 Special Tahsildar, A.P. State Financial Corporation,
Ranga Reddy (West) Branch,
5-8-342 (Ground-floor), Chirag Ali lane, Abids, Hyderabad.

3 Dr.K.Jeevan, S/o.K.C.Kunchithapatham,
R/o.39, Western road, Chennai.

4 B.Siva Kumar, S/o.V.Balam,
R/o.131, Alwarpet Street, Chennai.

RR 3&4 are impleaded as per court order dt.21/9/04 in WPMP.1663/02.
.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents in seeking recovery of the amount from the petitioners under notice no. AFC/RRBW/EJP/99-00/2001, dated 20.06.2001 issued by the respondent no.2 arbitrary, null and void and consequently the respondents may be interdicted from proceeding further under the said notice.

Counsel for the Petitioners: MR.MOHD. GHULAM HUSSAIN

Counsel for the Respondent Nos. 1 & 2 : MR.Y.N.LOHITA

Counsel for the Respondents 3 & 4 : None appeared.

The Court made the following :

O R D E R :

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Heard both sides. In this Writ Petition, the petitioners, who are Directors of the company which has obtained loan from the first respondent for the purpose of business, seeks to assail the impugned notice dated 20.06.2001 calling upon the petitioners to pay the amount due. Though several contentions have been urged on behalf of the petitioners in the Writ Petition, however, it is represented that subsequent to filing of this Writ Petition, the parties have already entered into one time settlement and in pursuance of which, the first petitioner has filed detailed representation on 16.10.2004 and made substantial payment. Accordingly, the second petitioner also made substantial payment. Having regard to the same, the matter requires to be reconsidered by the first respondent, especially, since the representation of the petitioners is still kept pending with the first respondent. In the circumstances, it would suffice in the interest of justice, to direct both the petitioners to file appropriate representations before the first respondent and both the representations shall be disposed of on merits in accordance with law after giving notice and opportunity.

With the above observation, this Writ Petition is disposed of. No costs.

(B.Prakash Rao,J.)

08.11.2004

DRK

Copy to:

1. A.P. State Financial Corporation, R.R.(West) Branch, rep. by its Branch Manager, 5-8-342(Ground-floor), Chirag Ali Lane, Abids, Hyderabad.

2. Special Tahsildar, A.P. State Financial Corporation, Ranga Reddy (West) Branch, 5-8-342 (Ground-floor), Chirag Ali lane, Abids, Hyderabad.

3. Two CD copies.